

OUR FREEDOM—AND THE RIGHTS OF COMMUNISTS

A Reply to Irving Kristol

ALAN F. WESTIN

ONCE, so a Spanish legend tells us, there grew in the forest a vine so strong that no animal could break it. Contests were held among the beasts, at which a piece of the vine would be cut and tied to a massive boulder so that champions from far and wide could pit their strength against it. Time after time the cords remained unbroken. One day, after the elephant had tugged in vain and the animals stood marveling at the vine's strength, a fox slipped over to it and, unnoticed, gnawed away at the strands. Ignoring the jeers of the spectators, he then walked over to the end of the rope, gave one firm pull, and the vine broke at the gnawed section. Thus, we are told, a fox succeeded where the mammoth beasts of the forest had failed.

In recent months, the problem of redefining our constitutional freedoms in a cold-

IRVING KRISTOL's article in the March issue of *COMMENTARY*, "Civil Liberties, 1952—A Study in Confusion," examining critically the arguments of many sincere civil libertarians who assert that an "extreme" anti-Communism is endangering our freedoms, aroused national discussion. A ten-page selection of diverse opinions appeared in our "Letters from Readers" department in the May number. We offer here a fuller treatment of the issues raised by Mr. Kristol, and while it is of course the private expression of Mr. Westin, it may be said in general to represent also the views of many others who felt that Mr. Kristol's treatment of the subject showed insufficient concern for the preservation of civil liberties. ALAN F. WESTIN, a Teaching Fellow in Government at Harvard University, a member of the District of Columbia bar, and a member of the lawyers' panel of the Civil Liberties Union of Massachusetts, has published articles in the *Nation* and in the *Columbia* and *Yale* law reviews. A rejoinder by Mr. Kristol to Mr. Westin's article, and to a letter by Arthur Schlesinger Jr. also taking issue with his position, will be found in our "Letters from Readers" section this month (beginning on page 83).

war setting has received public attention, much of it stimulated by an article by Irving Kristol in the March issue of *COMMENTARY*. So brilliantly does this article read that it has won acclaim from John Haynes Holmes, Ernest Angell, Norman Thomas, Ludwig Lewisohn, Paul Hays, and many other diverse liberals, while labor unions, private organizations, and the Mutual Security Agency have reprinted its contents. Yet, as one rereads it, there emerges a feeling of having witnessed a dangerous gnawing away of strands, in the form of exceptions, from the vine of civil freedoms, a process which—without the elephantine strainings of McCarthyism—may still jeopardize the rope itself.

The central question of Mr. Kristol's article is posed by its subtitle, "Do We Defend Our Rights by Protecting Communists?" and the answer given is a resounding "No!"—expanded to include fellow-travelers as well. Stripped to essentials, the argument is as follows: The situation regarding civil liberties is confused today because certain duped liberals are defending Communists and Communist fellow-travelers when the issues at stake are not civil liberties at all but simply questions of "Communism." Such behavior brands liberals as pro-Communist before the American people and accounts for Senator McCarthy's victories over liberals in the battle for civil liberties. The solution to this confusion, it is argued, is to redefine the battle lines. The liberal must establish his anti-Communism in a particular way outlined by Mr. Kristol. Then, if he should desire to do so, the liberal can employ a "sober" approach and defend the civil rights of Communists and fellow-travelers as a tactic of "expediency in particular circumstances."

Now, I would agree wholeheartedly with Mr. Kristol that Communists pose a problem for American society, that there is an unbridgeable gulf between the Communist

and the liberal, and that not every time the activities of Communists are restricted is an issue of civil liberties raised. I would further agree that in the past there have been "defenses" of civil liberties that were, in reality, propaganda operations by persons who do not believe in our concepts of civil liberties, and that in such campaigns the liberal must take no part. Lastly, I would agree that the liberal must defend civil liberties as a liberal, or as Mr. Kristol puts it, "as one of us, defending *their* liberties."

But although these important observations are found in Mr. Kristol's article, they are the shrubbery and not the real roots of his argument. These roots are to be found in four important premises on which he rests his case.

FIRST, Mr. Kristol establishes strikingly narrow standards of anti-Communism, yet postulates these particular standards as absolute essentials for the liberal who would defend civil liberties. We are told that the American people "know" that Senator McCarthy is, "like them, unequivocally anti-Communist," and repeatedly throughout the article Senator McCarthy's peculiar brand of anti-Communism is equated with the national will. But even recognizing the Senator's appeal to large segments of the population, such a unitary concept of anti-Communism is as dubious factually as it is a dangerous perspective for examining civil liberties. There is, after all, a vital difference between the political opportunism and special pleading of Senator McCarthy and the anti-Communism of social democracy, which adds to the exposure of Stalinists the necessity for support of economic and military aid bills to halt Communism abroad, and a loyalty to constitutional freedoms at home. To accept the McCarthy index on behalf of the nation concedes without justification one flank of the civil liberties battle line.

Again, in his standards of anti-Communism, Mr. Kristol transforms personal conceptions of history into categorical imperatives for every liberal who would defend civil liberties. Thus we are told that the liberal can establish his anti-Communism only by confessing the liberal "sins," chiefly that the New Deal "lent aid and comfort to Stalinist

tyranny." With a remarkable "facility for nose-counting," as Joseph Rauh termed it, Mr. Kristol explains that the "major segment of American liberalism" during the New Deal were simply parrots of the Communist line who denied the existence of Soviet concentration camps, "approved" the purge trials, "applauded" the massacre of the non-Communists in Spain by the GPU during the Civil War, and gave "its blessing" to the liquidation of millions of Soviet kulaks. Because of this past, only a public breast-beating for these errors will prove the liberal an anti-Communist today.

Mr. Kristol has, of course, every right to his own reading of American liberalism during the period of the New Deal. But to say that agreement with this controversial and monolithic portrait of New Deal liberals is the requirement for one's public acceptance as an anti-Communist, is simply an attempt to impose a partisan perspective under the guise of helping the campaign for civil liberties. Just as liberals do not accept Senator McCarthy as the index of anti-Communism, neither will they accept Mr. Kristol's stained canvas of New Deal liberalism as the *sine qua non* for an "unconfused" civil liberties struggle.

THE second premise of Mr. Kristol's analysis is his repudiation of the distinction between legitimate civil freedoms of Communists and the commission by them of conspiratorial or criminal acts that threaten our free institutions. The danger to American society from a Communist's being treated with procedural fairness before the McCarran Committee is blended with the danger caused by Communists working at the top level of the Atomic Energy Commission. Both sets of activity are placed beyond the pale of civil freedoms.

This merging of civil liberties situations into simple matters of Communism assumes bizarre proportions when applied factually. The Hollywood Ten hearings before the House Committee on Un-American Activities involved for Mr. Kristol solely the right of Communists and fellow-travelers to make movies at plush salaries. There were no issues here of the right to counsel; to be confronted by, reply to, and cross-examine your accusers; to exercise the Fifth Amendment's

guarantee against compulsory self-incrimination or to delimit the scope of questioning into a person's social and political affiliation by a committee of Congress. The University of California faculty oath, in Mr. Kristol's eyes, was merely a case of a university establishing a justified policy of not hiring Communists and fellow-travelers. Only through "undue hysteria" could one find a duty to speak up against the imposition of a test oath in violation of the California constitution (as the California court itself declared), or against the implications of such administrative procedures applied to university life in a free society. In similar fashion, Mr. Kristol excludes from the range of civil liberties the Congressional examination of Owen Lattimore, since this was merely exposing an enormously effective Communist-liner who shaped our China policy. To view this as a matter of protecting "dissent" or "nonconformity" is labeled ridiculous.

From these illustrations, it becomes clear that Mr. Kristol, despite two hurried genuflections to "free speech" and "equal rights," possesses a remarkably dehydrated conception of a civil liberties issue. That he invokes the errors and dangers of Communism to justify this, shows how far his position is removed from the essence of constitutional guarantees. These have always rested on the notion that exceptions are permitted only when absolutely necessary for the preservation of our basic values. A sense of proportion must attend the recognition of dangers to our society from native Communism. To suggest that procedural fairness and the rights established by the First Amendment imperil our liberty bears an unfortunate resemblance to the philosophy of Military Judge Effingham Swan in Sinclair Lewis's novel *It Can't Happen Here*, who began a "hearing" on subversive activities with the statement: "*Habeas corpus*—due processes of law—too, too bad!—All those ancient sanctities, dating, no doubt, from Magna Carta—been suspended—oh, just temporarily, y'know—state of crisis—unfortunate necessity. . . ."

THE third basis for Mr. Kristol's analysis is his portrait of the men who today defend the civil liberties of Communists and fellow-travelers: ". . . the Alan Barths, the Henry Steele Commagers, the Zechariah

Chafees, the Howard Mumford Joneses, the Ralph Barton Perrys, the William O. Douglasses." These men, and civil libertarians in general, are pictured as believing: (a) that Communists are merely a more radical or fanatic brand of liberal; (b) that Communists are "on our side" in the battle for civil liberties; and (c) that the fate of Communist *ideas* involves the fate of liberalism in America. This is a very handy whipping boy to bang around for nine double-column pages but it is representative of organized liberalism only in Mr. Kristol's imagination. True, there are many such persons as Mr. Kristol describes. But only by sidestepping the essential and dominant position of the quoted writers, and by totally ignoring the active anti-Communism of such liberal organizations as the Americans for Democratic Action and the American Civil Liberties Union can Mr. Kristol's villain be equated with the liberals who today defend the civil liberties of Communists.

In judging the accuracy of this picture, one should also observe that not only the intellectual conclusions of these men are challenged but that their very honesty is cleverly put into issue. Professor Commager, we are told, deludes us with "sleight of hand"; Alan Barth employs a "liberal rhetoric of insinuation"; and Francis Biddle composed his book *The Fear of Freedom* out of a "sense of shame and a cowardliness to confess that shame." This whole school of liberals is then adroitly stripped of their anti-Communist beliefs, for Mr. Kristol declares that they are men who view Communism "out of the left corner of the eye," and that their rejection of Communism is only a "repudiation aiming to linger in the memory as a floating credential."

This is fine phrase-making, but it is at the same time literary tar-and-feathering, ruthless and unjustified. A smear is still a smear, even when done in onomatopoeia. One questions seriously whether such an approach helps end "confusion" or provides a guide to action for persons genuinely concerned with civil freedoms.

FOURTH, there is a constant note running through Mr. Kristol's article which suggests that maybe liberals need not protect the principles of civil liberties at all when

Communists or fellow-travelers are involved, even after the "confusion" has been cleared away. For Mr. Kristol keynotes his argument by stating: "If a liberal wishes to defend the civil liberties of Communists and Communist fellow-travelers. . . ." and "If he so desires [the liberal can] defend the expediency in particular circumstances of allowing them the right to be what they are." Here, the preservation of civil freedoms receives the emotional importance of choosing between a blue or a green toothbrush. The liberal himself seems to have no stake in it; American society seems to be without concern in the outcome. After the violence of Mr. Kristol's attack on the "confusion" of civil liberties today, we should mark well the serenity he attains once a cataloguing of sins, omissions, and deceptions has been completed.

Having identified the four pillars on which this article rests, we can recognize the structure for what it really is. Mr. Kristol has not selected among alternative courses of action in the struggle to preserve civil liberties. He has not resolved "confusion." He has not created a new, more honest, more realistic method for engaging in civil liberties campaigns. He has simply redefined the term "civil liberties" to remove the necessity of having to participate in the actual, important cases of civil liberties that are current today. He would remain uncommitted until there is a really clear case of procedural unfairness, not this shilly-shally over Owen Lattimore, the Hollywood Ten, and the Joint Anti-Fascist Refugee Committee. He would remain inactive until there is a real purge of a university, not this halfway business out at the University of California. He requires impeccable, unblemished victims of McCarthyism, not these ambiguous characters like Oliver Edmund Clubb, John Stewart Service, and Philip Jessup. Mr. Kristol has, in brief, so effectively side-stepped the problem of civil liberties that he is standing forty yards to the rear, throwing rocks at the foibles of the participants.

The most effective way to demonstrate the inadequacy of this gloss on civil liberties is to restate the bedrock principles upon which our constitutional freedoms rest. Louis Waldman has done this eloquently in a speech presenting the New York State Bar

Association's proposed code of procedure for Congressional hearings: "There are not two Bills of Rights, one for sinners and a different one for saints. From the standpoint of civil rights there are no such people as racketeers and non-racketeers, Communists and anti-Communists. There are only human beings with rights, privileges, and immunities guaranteed to them by the Constitution."

If this egalitarian rationale were the *only* reason for civil liberties, few persons would be fighting for their retention today, and it would be next to impossible to protect the civil rights of any nonconformists, let alone those of the Communist. In fact, however, there are at least three further, "selfish" concepts behind civil liberties, concepts that were recognized by the Minute Men and yet are still grade-A merchandise for the atomic age. It is these which provide the mass appeal for the civil libertarian, and, in the long sweep of American history, have triumphed over the McCarthys of each era.

FIRST, one defends the civil liberties of Communists because under our system of constitutional precedents a loss of liberty by one defendant is a loss to each citizen who may attempt to claim the same right at a future date. The whole tapestry of our most precious civil freedoms is recorded in cases involving—not immaculates—but thieves, smugglers, murderers, religious fanatics, subversives, espionage agents, and sundry unsavory criminals. The right to criticize or defend civil liberty itself can be said to rest on the fact that an anti-Semitic publisher who printed a mess of filth denouncing Jewish "gangsters" was protected in the courts by our guarantee of a free press. When the Supreme Court first considered the question of government wire-tapping in 1928, the defendant was a smuggler who shipped two million dollars' worth of whiskey into the United States each year from Canada. The rights of free speech were reaffirmed in a case involving Father Terminiello, a leader of the racist Union of Christian Crusaders, who delivered an inflammatory speech in Chicago denouncing Jews and Negroes. Our security from unreasonable searches and seizures was recently put at stake when a grubby counterfeiter of ration coupons had

his office raided by the police without a warrant.

Thus, the rights of John Howard Lawson, Harold Christoffel, Frederick Vanderbilt Field, and the Joint Anti-Fascists cannot be brushed aside as "underground conspiracy" and unrelated to "dissent" or "free thought." The consideration by the courts of federal loyalty programs, of guilt by association, of Feinberg Laws and McCarran Acts and Smith Acts, does not involve merely the interests of Communists and fellow-travelers. It intimately affects the interests of all persons who could be reached by such legislative and administrative measures, and in this day of tension the potential bite of these weapons is deep and wide.

True, as Mr. Kristol points out, this is a grueling job. True, the men of good will often wind up with their protests in the anthologies while the restrictions go merrily on. But the struggle to convince the masses of the American people to safeguard civil liberties has always been a minority battle. Professor Commager reminds us that "each generation has to vindicate these freedoms anew, and for itself." It may be difficult, in this era of Koreas, to reaffirm that the civil liberties of anti-Communists are bound up in the manner with which we deal with William Z. Foster, Gus Hall, Harry Bridges, and Edith Blau, but this is the cold fact.

Thus, the first reason why we defend the civil liberties of Communists is to protect ourselves—a homespun and uncomplicated reason that is as valid today as in 1735 when crusty old Andrew Hamilton traveled from Philadelphia to defend a New York printer of dubious taste named Peter Zenger accused of libeling the Royal Governor. Requiring one citizen to worry about restraints on government when the other fellow is in the jailhouse may be asking a good deal from our citizenry, but this is the basic assumption of our constitutional framework, and it has served us well for one hundred and sixty-three years.

THE second reason why we defend the civil liberties of Communists is because of the concrete and harmful effects upon our society of failing to do so. This "pragmatic necessity for freedom" has been capsuled by Professor Commager as follows: "It is, you

see, with the practical consequences to our society of the limitations on freedom that we are concerned. We do not protect freedom in order to indulge error. We protect freedom in order to discover truth. We do not maintain freedom in order to permit eccentricity to flourish; we maintain freedom in order that society may benefit from criticism, even eccentric criticism. We do not encourage dissent for sentimental reasons; we encourage dissent because we cannot live without it."

With Professor Commager this is expressed in ringing prose. The subway rider echoes it when he nods securely to his neighbor, "Aw, let those birds talk, it's a free country, ain't it?" In both cases, this is the most hard-headed, dollars-and-cents reason for protecting complete civil liberties. The highly necessary loyalty program for scientists, designed to keep Communists out of atomic projects, may be so broadly framed and unwisely administered that we will lose the services of loyal scientists, jeopardize our atomic superiority, and harm the defense potential of the nation. Professor Walter Gellhorn of the Columbia Law School devotes his book *Security, Loyalty and Science* to establishing that this is taking place today, and urging that we drastically revise our federal loyalty program. Is it pro-Communist, soft, or looking out of the left corner of the eye to concern ourselves with the effect on our atomic program of loyalty procedures designed to deal with Communists?

Again, take the crisis in the foreign service caused by attacks upon Communists in the State Department and upon policy advisors such as Professor Lattimore. The Department cannot now obtain enough college graduates of top caliber to fill its needs, as Secretary of State Acheson explained, because of "the unwillingness of young men and women to subject themselves to that sort of attack." At the same time, experts of unimpeachable loyalty have declined to give advice to the State Department—when the Department plucks up courage enough to ask for it—even though these men are often the best informed in their field and their assistance vital for the formulation of an intelligent policy. Moreover, the *Foreign Service Journal* has reported a tendency by overseas personnel to hew to the official "line" in trans-

mitting their reports, even though this "line" might contradict their on-the-spot judgment. The lessons of John Carter Vincent, Oliver Edmund Clubb, and John Stewart Service have done their work.

In this illustration of the effects of curtailing freedom—directed against Communists, of course—we see a threat to our foreign service. The fact that the goal involved was the important and necessary one of ridding our State Department of security risks is no solace for the atmosphere of fear which has developed. The end does not justify the means here any more than it did in the Soviet Union during the 1920's and 1930's, even though the Kristol school does not seem to recognize the parallel.

ONE more example of effects should be noted. Mr. Kristol states that it is absurd to view the University of California faculty oath controversy as a "purge." Only a few dozen out of over a thousand refused to sign, and after all, "one swallow does not make a spring, nor one injustice an apocalypse." Contrast this characterization with the *results* at California.

At the outset of the oath controversy, over three hundred faculty members met to declare their refusal to sign the oath. As pressures mounted and men were forced to choose between their principles and their livelihood, the number dropped. At the first sweep twenty-six "non-signers" were ejected for their refusal and thirty-seven others resigned from the university in explicit protest against the oath.

But the damage here cannot be measured numerically in faculty dismissals and resignations. What happened to the University of California as an institution when this cleansing of Communists took place? Fifty-five courses had to be dropped from the curriculum. The department of theoretical physics fell overnight from the best in the nation to a ghost unit—three-fourths of its internationally renowned scientists having left in protest. An institute under the department of psychology lost a contract with the Office of Naval Research because it no longer had sufficient personnel to meet navy standards. In the department of psychology itself, one thousand inquiries concerning graduate curriculum were received in the year before the oath

controversy; only three hundred arrived the year following it. In less than a twelve-month period, more than forty-seven of the world's most distinguished scholars refused offers of appointment to the University of California. Students interviewed by the press replied that the whole year was a nightmare of suspicions, recriminations, and disrupted studies. The caucus replaced the seminar; the mass meeting dubbed for lectures. A great university, respected throughout the nation and the world for its faculty, its research projects, and its student life, was and is still disrupted ominously by a "justified" policy of the regents in removing "Communists and fellow-travelers" from their institution.

Thus, the second reason why we protect the civil liberties of Communists is because we want to keep our science developing at maximum efficiency, our foreign service ably staffed and advised, and our universities free of the tensions of an oath campaign. We defend the rights of Communists since, as the *New York Times* editorialized: "If, in the process of arming ourselves against Stalinist infiltration, we so modify our society that the same barriers to free thought or speech exist here as in the Soviet Union, then victory will be futile indeed."

THE third basis for the civil libertarian's position is the need to preserve our moral leadership in the world as the arsenal of freedom. We are now a feared Goliath in a bipolar world, attempting to win as necessary allies the uncomfortable and distrustful nations of the Middle East, Asia, and Western Europe. So far, we have managed a successful policy of exports: guns, goods, and free institutions. But if we make unrequired exceptions here in the United States in the name of curbing Communism, our export of free institutions becomes that much cheaper, and Communist salesmanship about our capitalist police-state that much more alluring. Secretary of State Dean Acheson has warned, "Today we all represent the United States. . . . If there are acts or words of violence, discrimination, and irresponsibility, the world sees and hears them . . . for nations are continually watching."

The present situation with passports is a prime example. As signatory to the UN Universal Declaration on Human Rights, the

United States pledged as "a common standard of achievement for all peoples and all nations" that "Everyone has the right to leave any country, including his own, and to return to his country" (Article 13, Paragraph 2). Citing this provision, we have repeatedly leveled official attacks at the refusal of totalitarian nations to permit their nationals to travel freely. Our protests have helped to demonstrate the nature of totalitarianism to our allies. Yet, in recent years, the Passport Division of the State Department has steadily increased its restrictions on the right of American citizens to travel abroad. Leo Isacson was denied a passport to attend an international conference in Paris in 1948 since it favored the Greek guerrilla cause. Paul Robeson was refused permission to travel abroad to give concerts and make speeches. Dr. J. Henry Carpenter of the Protestant Council of New York was barred from visiting Japan for meetings with Japanese church leaders. Rockwell Kent, Dr. Edward Corson, Albert Kahn, Dr. Ralph Spitzer, Howard Fast, and Corliss Lamont have met similar refusals. United States immigration authorities prevented Vincent Hallinan, presidential candidate of the Progressive party, from crossing the Canadian border to deliver a speech to a Vancouver labor union. There have been no hearings. There are no standards set for these refusals. In the few cases where the Passport Division has given an explanation, the sole ground asserted is that the trip would not be "in the best interests of the United States."

As could be expected, our departure from an observance of the right to free travel has already produced its effects abroad. State Department observers have reported a loss of American prestige in the capitals of Western Europe. The *New York Times* noted that "influential circles abroad . . . have begun to react cynically to United States pronouncements on intellectual freedom and exchange of persons, and are chiding this government for what they call 'hypocrisy' in this field." President Truman's 1951 call to the president of the Soviet Presidium for "communication . . . free and open, across international boundaries" has been undercut by our own passport practices.

It is no answer to this damaging situation to cite the dangers of Communist couriers to

our national security and to argue that government officials must be given "the benefit of the doubt" in this area. Recognition of the courier threat is only the first level of analysis, and the appeal to trust government administrators is an undisguised retreat from analysis. Every citizen, after all, could be a Communist courier, especially since vital information would not likely be risked with a known Communist or a vocal fellow-traveler. In resolving this dilemma between security and individual liberty, a society under law must adopt fair and constitutional standards, and must provide its citizens an opportunity to be heard. As the editors of the *Yale Law Journal* wrote: "Under the circumstances of modern international life every American citizen has a constitutional right to a passport, and the protection of that right has become an urgent matter of national policy as well as of civil liberty. If our preaching [internationally] is to accord with our practice, that right should be curtailed only for good cause and with that regard for fairness embodied in the phrase 'due process.'"

If, instead, we continue to employ vague and undefined political criteria, at the discretion of administrators, without hearing or review, our prestige will continue to suffer. As Professor Elmer Graper observed in describing "American Influence on the Attitudes of Western Europe" (*The Annals of the American Academy of Political and Social Science*, November 1951): ". . . the blatant accusations against public officials, the demagogic rantings and posturings . . . these and similar excesses tend to arouse doubts about our political maturity and uncertainty as to who really speaks for America. They even raise the question whether in our zeal to fight subversion at home we are not succeeding merely in imitating some of the worst features of Communism abroad. A democratic nation that expects others to follow it must present to the world an example of democracy in practice, a democracy which not only advocates the doctrine of human rights and individual liberty but also lives up to that doctrine."

In the tent show of the cold war, we have a top-notch medicine wagon, a booming set of drums, and our patent remedy for the world's ills is labeled "Uncle Samuel's Democracy." If we adulterate our product in

the factory, however, we can expect to lose customers to another drummer even though he may be a complete charlatan.

HAVING outlined these three bases for the belief that we *do* defend our rights by protecting Communists, there remains the important inquiry into method. Clearly, when the liberal defends Communists, he must make an unequivocal distinction between the civil liberty involved and the individual or group concerned. He *must* defend the civil liberties of Eugene Dennis, but he need not take out a party card and condemn United Nations "germ warfare" to do so. Despite inferences to the contrary, most liberal organizations make exactly this distinction today. Briefs filed in the Supreme Court by such groups as the National Association for the Advancement of Colored People or the American Jewish Congress in cases involving the Communist party invariably begin with a clear statement explaining the interest the particular organization has, as liberal and anti-Communist, in preserving rights in the case at bar. When Senators begin using a Congressional committee as a personal bludgeon, liberals should attack this procedure whether Adrian Scott, Howard Fast, or Newbold Morris is under the klieg lights. But again, this is done through liberal organizations, as liberals, not through the Civil Rights Congress or a dummy "defense committee."

In his methods, the liberal must constantly apply the distinction between civil freedoms and anti-social acts. This is unquestionably a difficult task to perform in an age which demands solutions, not distinctions. But we

cannot stop trying because of defeats, since despair will only allow broader violations of civil freedoms to develop in the vacuum of our fatigue. With "starch in our backbones," as Professor Edmund Cahn put it, we must stop the bullying of free America by waging *our* fight for the legitimate rights of every citizen. We must defend free speech for Communists: their right to call us "lackeys of imperialism" and "social fascists"; to picket the White House for aggression in Korea; to denounce the North Atlantic Treaty as Wall Street brokerage; and to preach that the Soviet Union is the land of economic milk and political honey. We must rip off the Paper Curtain which prevents citizens from traveling abroad, even though they may present views of America which will "embarrass" us at home. We must keep the soapbox and printing presses accessible; the ballot booth and meeting hall unlocked. But we do not have to allow theft of atomic secrets or acts of sabotage in industry, or need to ignore the political affiliations of those who staff our Central Intelligence Agency. This line of demarcation is the basis of the civil libertarian's position: when he succeeds in conveying its vitalness to the American people, he will have won the battle for civil liberties.

From our constitutional heritage, our social progress, and our responsibilities of international leadership comes the answer to Mr. Kristol's question—we defend the civil liberties of Communists to preserve our own rights and to advance the national welfare. Our civil freedoms in 1952 will remain "unconfused" as long as we recognize that, despite inflation, eternal vigilance is *still* the price of liberty.